

TITLE 27 - DEPARTMENT OF AGRICULTURE, DIVISION OF WEIGHTS &
MEASURES

Chapter 4 - DISCLOSURES REQUIRED ON DELIVERY TICKET
ACCOMPANYING

BULK SALE OF MEAT

001 Statement of Purpose. The Director, having the duty to enforce the provisions of Sections 89-183 to 89-1,103, R.R.S. of Nebraska, 1943, Cum. Supp. 1976, and to promulgate regulations to accomplish the same, and having determined that in the case of Bulk Sales of Meat, the existing practice of declaring quantity by weight, measure, numerical count, or combinations thereof, do not facilitate value comparisons by consumers and offer opportunities for consumer confusion, promulgates this rule for the purpose of protecting the consumer from fraudulent and unfair practices in the sale of meat by carcass, side, primal cut, or otherwise from bulk, and also to provide for sufficient disclosures to the purchaser of meat purchased by carcass, side, primal cut, or otherwise from bulk, in order to facilitate meaningful value comparisons by the consumer.

002 Definitions. The definitions contained within the statutes under which this rule is promulgated and the following definitions shall apply wherever used in this rule unless the context requires otherwise.

002.01. "Person" shall mean both plural and singular, as the case demands, and includes individuals, partnerships, corporations, companies, societies, and associations.

002.02. "Seller" shall mean any person who sells meat by the side, carcass, primal cut, or otherwise from bulk.

002.03. "Purchaser" shall mean any person who buys meat by the side, carcass, primal cut, or otherwise from bulk.

002.04. "Meat" shall include, but is not limited to, beef, pork, veal, and lamb.

002.05. "Hanging weight" shall mean weight of side, carcass, or primal cuts prior to the cutting, processing, and wrapping thereof.

002.06. "Side" shall mean one matched forequarter and hindquarter or one-half of a meat animal carcass.

002.07. "Carcass" shall mean the dressed, slaughtered animal containing two sides.

002.08. "Primal cut" shall mean all wholesale cuts of meat including, but not limited to, the following: the round, loin, flank, rib, chucks, brisket, plate and shank cuts of beef; the leg or ham, loin, spareribs, bacon or side pork, shoulder and jowl cuts of pork; the round or leg, sirloin, loin, rib, breast, shoulder and shank cuts of veal; the leg, sirloin, loin, rib, shoulder, necks, breast and fore shank cuts of lamb.

009.09. "Bulk sale of meat" or "sale of meat from bulk" shall mean the sale of meat when the quantity is determined at the time of sale and shall include the sale of meat by carcass, side or primal cut.

002.10. "Weight" shall be stated in pounds and ounces.

003 Disclosures Required. Except as provided in 27 NAC 4-004, any person who sells meat from bulk, at a price exceeding twenty dollars (\$20.00), and cuts up that meat prior to delivery to the purchaser shall provide the purchaser with a delivery ticket at the time of delivery; giving the following information:

003.01. The name and address of the seller and purchaser and the date of the delivery.

003.02. The price per pound before cutting and wrapping and the total price of the sale.

003.03. The total net weight or hanging weight of the carcass, side, or primal cut prior to cutting or

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processing.

003.04. The total net weight of the cut-up, processed and wrapped meat, delivered to the purchaser.

003.05. A list of the quantity and names of all retail cuts delivered, and their quality grade and yield grade, if so graded by USDA (United States Department of Agriculture).

003.06. An itemized list of any and all charges over and above the original sale price of the carcass, side, or primal cuts.

003.07. The count of individually wrapped packages, if more than one.

003.08. The price per pound of delivered quantity based on total purchase price.

This delivery ticket shall not include the weight of any meat or other commodities received by the purchaser as a bonus offer or gift in connection with the purchase of the carcass, side, or primal cut. The statement may include a description of whether the sale is from the forequarter or hindquarter.

004 Notice Posted In Lieu Of 27 NAC 4-003 Requirement.

004.01. In lieu of providing the purchaser with the delivery ticket required in 27 NAC 4-003, the seller must have a permanent sign, posted in such a manner so as to be immediately visible to any prospective purchaser upon entering seller's business establishment, stating, without variation, the following message:

NOTICE TO CUSTOMERS

The management of this establishment must provide upon request to anyone who purchases meat herefrom in bulk, where the price exceeds twenty dollars (\$20.00) and the seller cuts up that meat prior to delivery to the purchaser, a delivery ticket that discloses the following information:

(i) The name and address of the seller, the

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purchaser, and the date of delivery.

- (ii) The price per pound before cutting and wrapping and the total price of the sale.
- (iii) The total net weight or hanging weight of the carcass, side, or primal cut prior to cutting or processing.
 - (iv) The total net weight of the cut-up, processed and wrapped meat, delivered to the purchaser.
 - (v) A list of the quantity and names of all retail cuts delivered, and their quality grade and yield grade, if so graded by USDA (United States Department of Agriculture).
 - (vi) An itemized list of any and all charges over and above the original sale price of the carcass, side, or primal cuts.
- (vii) The price per pound of delivered quantity based on total purchase price.

This delivery ticket shall not include the weight of any meat or other commodities received by the purchaser as a bonus offer or gift in connection with the purchase of this carcass, side, or primal cut. The statement may include a description of whether the sale is from the forequarter or hindquarter.

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004.02. The composition of said sign shall be as follows:

004.02A. The color shall be white with black or red letters.

004.02B. The heading phrase, "NOTICE TO CUSTOMERS," shall be composed of large case letters approximately one (1) inch (2.54 cm.) in height and one-half (1/2) inch (1.27 cm.) in width.

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004.02C. The remaining lettering shall be composed of small case letters approximately 3/16 inch (0.47 cm.) in height and 1/8 inch (0.31 cm.) in width and, where proper spelling dictates, large case letters

approximately 1/4 inch (0.62 cm.) in height and 1/8 inch (0.31 cm.) in width.

004.02D. The wording shall be centered, the top and bottom margin shall be approximately 2 inches (5.08 cm.) and the side margins shall be approximately 1 1/2 inch (3.81 cm.).

004.03. There shall be no message or language other than that set out in 27 NAC 4-004.01.

004.04. The sign shall be posted in such a manner so that no part of it is within three (3) inches (7.62 cm.) of any other posted material; and so that it is discernible and readable by the customer.

005 Construction. Nothing herein contained shall be construed to excuse or exempt any person from obligations imposed by statute.

006 Effective Date. This rule shall become effective five (5) days after it has been filed with the Revisor of Regulations, as provided by the Administrative Procedures Act.

007 Annotation. Neb. Rev. Stat. §§89-193 to 89-1,103.